SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1933

No. 856

W. B. WORTHEN COMPANY, AGENT; GEORGE G. WORTHEN AND MOLLIE P. WORTHEN, APPELLANTS,

vs.

MRS. W. D. THOMAS

APPEAL FROM THE SUPREME COURT OF THE STATE OF ARKANSAS

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IN CIRCUIT COURT OF PULASKI COUNTY

W. B. WORTHEN COMPANY, Agent, Plaintiff,

vs.

RALPH THOMAS and MRS. W. D. THOMAS, Partners, Trading as Enterprise Harness Company, Defendants

COMPLAINT

Plaintiff, W. B. Worthen Company, Agent, for its cause of action against the defendants, Ralph Thomas and Mrs. W. D. Thomas, partners trading as Enterprise Harness Company, states:

That W. B. Worthen Company is a banking corporation duly organized and existing under the laws of the State of Arkansas, domiciled at Little Rock, Arkansas; that the defendants, Ralph Thomas and Mrs. W. D. Thomas, are partners operating under the trade name of Enterprise Harness Company.

That plaintiff, W. B. Worthen Company, as agent, has charge of the rental of the property located at 400 West 6th Street, Little Rock, Arkansas, where the Enterprise Harness Company was located, and in its capacity as Agent, rented said property to the Enterprise Harness Company, making said contract with Ralph Thomas, one of the partners therein.

That the rental on said property was $175.00 per month until March 5, 1932, and the rent on same thereafter was $150 per month.

That nothing has been paid on the rent due by said Enterprise Harness Company since the 17th day of Novem- [fol. 5] ber, 1931. That there is an exact balance due on said rent figured from November 17, 1931 until July 5, 1932 of $1,200.00. Itemized verified account, setting out same in detail, is attached hereto marked Exhibit "A" and made a part of this complaint.

That nothing has been paid on said sum of $1,200.00, although it is past due and demand has been duly made for payment.

Wherefore, plaintiff, W. B. Worthen Company, Agent, prays for judgment against defendants, Ralph Thomas and Mrs. W. D. Thomas, partners trading as Enterprise Harness Company, and each of them, for $1,200.00 with interest thereon at the rate of 6% per annum from July 5, 1932 until paid, for its costs herein expended and all other proper relief.

Murphy & Murphy, Attorneys for Plaintiff.

[fol. 6] EXHIBIT "A" TO COMPLAINT

W. B. Worthen Company, Bankers

"Since 1877"

401 Main Street. Telephone 4-4395, Long Distance 63

Little Rock, Arkansas,
July 5, 1932.

In account with Ralph Thomas and Mrs. W. D. Thomas, trading as the Enterprise Harness Company, 400 West Sixth Street, Little Rock, Arkansas

To balance rent on 400 West Sixth Street, Little Rock, Arkansas:

From November 17, 1931, to December 5, 1931 (@ $175.00 per month)	75.00
December 5, 1931 to January 5, 1932	175.00
January 5, 1932 to February 5, 1932	175.00
February 5, 1932 to March 6, 1932	175.00
From March 5, 1932 to April 5, 1932 (@ $150.00 per month)	150.00
April 5, 1932 to May 5, 1932	150.00
May 5, 1932 to June 5, 1932	150.00
June 5, 1932 to July 5, 1932	150.00
	$1,200.00

This is to certify that the above is a true and correct statement of account due by Ralph Thomas and Mrs. W. D. Thomas, trading as the Enterprise Harness Company.

W. B. Worthen Company, Agents, by Geo. G. Worthen, Vice President.

STATE OF ARKANSAS,
County of Pulaski, ss:

Subscribed and sworn to before me, a Notary Public, this fifth day of July, 1932. Jeannette Fairchild Turner, Notary Public. My commission expires February 12, 1933. (Seal.)

[fol. 7] IN CIRCUIT COURT OF PULASKI COUNTY

[Title omitted]

BOND—Filed July 6, 1932

We, W. B. Worthen Company, Agent, the above named plaintiff, as principal and Geo. G. Worthen and Gordon N. Peay, as its sureties, acknowledge ourselves to owe and be indebted unto Ralph Thomas and Mrs. W. D. Thomas, partners trading as Enterprise Harness Company, the above named defendants, in the sum of $2,500.00, conditioned, however, as follows:

Whereas, the said W. B. Worthen Company, Agent, has instituted suit in the Pulaski Circuit Court against the said Ralph Thomas and Mrs. W. D. Thomas, partners trading as Enterprise Harness Company, for the sum of $1200.00, together with costs of said suit, and has caused the issuance of a writ of garnishment therein;

Now, if the said W. P. Worthen Company, Agent, shall pay the said Ralph Thomas and Mrs. W. D. Thomas, trading as Enterprise Harness Company, all damages that they may sustain by the wrongful bringing of such suit, or the wrongful issuance of said writ of garnishment, then this obligation to be void; otherwise, to remain in full force and effect.

W. B. Worthen Company, Agent, by Geo. G.
[fol. 8] Worthen, Vice President. Geo. G. Worthen, Gordon N. Peay, Sureties.

[Endorsed:] "Filed and summons and garnishment writs issued July 6, 1932.